

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONADNOCK CONSTRUCTION, INC.,

Plaintiff,

-against-

WESTCHESTER FIRE INSURANCE
COMPANY,

Defendant.

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WESTCHESTER FIRE INSURANCE
COMPANY,

Third-Party Plaintiff,

-against-

GLASSWALL, LLC, UGO COLOMBO, and
SARA JAYNE KENNEDY COLOMBO,

Third-Party Defendants.

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NOTICE OF MOTION TO DISMISS AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon the annexed Declaration of Joel S. Magolnick, Esq., sworn to March 2, 2018 and the exhibits annexed thereto, third-party defendant Ugo Colombo (“Colombo”) will move this Court at the United States Courthouse, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, before the Honorable Magistrate Judge Vera A. Scanlon on a date and time to be designated by the Court for an Order dismissing Monadnock Construction, Inc.’s amended complaint against third-party

defendant Ugo Colombo upon the grounds that the fraudulent conveyance claims asserted against Colombo do not arise out of the transaction or occurrence that is the subject matter of plaintiff's claim against the third-party plaintiff and therefore is improper under Federal Rule of Civil Procedure 14(a)(3).

PLEASE TAKE FURTHER NOTICE that, pursuant to Order dated February 13, 2018, answering papers must be served on or before March 30, 2018.

DATED: MARCH 2, 2018

Respectfully submitted,

MARKO & MAGOLNICK, P.A.

By: /s/ Joel S. Magolnick

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